

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JIMI JAMES HAMILTON,

Plaintiffs,

V.

CHIEF ROBERT MASKO, *et al.*,

Defendants.

Case No. C07-5610 RJB/KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on Plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings Plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On November 7, 2007, the Clerk received Plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). On November 9, 2007, the Clerk sent Plaintiff a letter informing him that his application to proceed *in forma pauperis* was deficient because he had failed to provide the Court with a certified copy of his prison trust account statement *showing transactions for the past six months*. The Clerk informed Plaintiff that he must either pay the court filing fee or submit a proper application to proceed *in forma pauperis* by December 10, 2007, or this matter could be subject to dismissal. (Dkt. # 3).

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2 Pursuant to 28 U.S.C. § 1915(a)(2):

3 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or
4 proceeding without prepayment of fees or security therefor . . . shall submit a certified
5 copy of the trust fund account statement (or institutional equivalent) for the prisoner for
6 the 6-month period immediately preceding the filing of the complaint or notice of
7 appeal, obtained from the appropriate official of each prison at which the prisoner is or
8 was confined.

9 Therefore, Plaintiff was required to submit a statement showing the balance and activity of his
10 account for the six-month period immediately preceding the filing of his complaint.

11 Accordingly, it is **ORDERED**:

12 (1) Plaintiff shall seek to cure the above deficiency by paying the full \$350.00 court filing fee
13 or by providing the court with a copy of his prison trust account statement pursuant to 28
14 U.S.C. § 1915(a)(2) showing the balance and activity of his account(s) for the six-month
15 period immediately preceding the filing of his complaint, **no later than February 29,**
16 **2008. Failure to cure this deficiency by the above date shall be deemed a failure to**
17 **properly prosecute this matter and the court will recommend dismissal of this matter.**

18 (2) The Clerk is directed to send a copy of this Order to plaintiff.

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20 DATED this 24th day of January, 2008.

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22 
23 Karen L. Strombom

24 United States Magistrate Judge